## REMARKS

Claims 1-32 are pending in the present application.

An IDS accompanies this response which again lists the two PCT documents which constituted part of the initial IDS filed on March 22, 2005. As noted in the Office Action, these two PCT documents were not considered by the examiner.

In the above amendments, claims 1, 9-10, 15, 23, and 27-32 have been amended. Therefore, after entry of the above amendments, claims 1-32 will be pending in this application. Applicants believe that the present application is now in condition for allowance, which prompt and favorable action is respectfully requested.

## TITLE

The examiner objected to the title as being not descriptive. Submitted herein, supra, is a new title which overcomes this objection.

## CLAIM OBJECTIONS

Claims 2, 3, 11-12, 16-17, 21, 24, 28, 31, and 32 are objected to under 37 CFR 1.75(c) as being improper for various reasons.

Claim 1 has been amended to now recite "a first incoming pilot signal" and a "first remote terminal," and claims 15, 23, 27, 31, and 32 have each been amended to now recite "a first remote terminal." In light of these amendments, it is respectfully submitted that claims 2, 3, 11-12, 16-17, 21, 24, 28, 31, and 32 comply with 37 CFR 1.75(c).

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The amendments to claims 9-10, 28-30, and the remaining amendments to claims 15, 27, and 32 have been made to correct for minor informalities in each claim.

## REJECTION UNDER 35 U.S.C. §112

Claims 11 & 12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as his invention.

It is respectfully submitted that claims 11 and 12 fully comply with 35 USC 112, second paragraph. Dependent claim 11 depends from claim 10 which depends from independent claim 1. In claim 11, the "receiver" and the "processor" elements are further limited which complies with 35 USC 112, second paragraph and typical claim drafting practice. Dependent claim 12 depends from claim 11 which depends from claim 10 which depends from independent claim 1. In claim 12, the "processor" element is again further limited which again complies with 35 USC 112, second paragraph and typical claim drafting practice.

As such, it is not readily apparent from the Office Action why these claims are deemed vague and indefinite. If these rejections are maintained in the next Office Action, it is respectfully submitted that the examiner support the rejections with pertinent case law, patent statutes, rules and/or sections of the MPEP.

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## REJECTION UNDER 35 U.S.C. §103

Claims 1-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Periyalwar et al., U.S. Patent Publication No. 2004/0192204, (hereinafter referred to as "Periyalwar") in view of Feder et al., U.S. Patent Publication No. 2005/0239,491 (hereinafter referred to as "Feder")

With respect to independent claims 1, 15, 23, and 27, it is respectfully submitted that neither Periyalwar nor Feder, alone or in combination, teaches certain claimed features as claimed. In particular, with respect to independent claim 1, it is respectfully submitted that neither Periyalwar nor Feder teaches or suggests the claimed feature "a processor configured to ... operate independently of the first remote terminal if such first incoming pilot signal is not detected by the receiver within the time period" (emphasis added) as set forth in lines 4-7 of the claim.

Applicant has carefully reviewed the cited portions of Periyalwar which allegedly teach the above identified claimed feature. However, such cited portions do not teach nor suggest this claimed feature. In particular, Periyalwar teaches, for example, in Fig. 6, an intelligent relay 62 which operates under control of base station 61 by relaying data from base station 61 to a UE element 63. See also lines 1-3 of paragraph no. 20 and lines 1-3 of paragraph no. 47 of Periyalwar, which explicitly disclose that intelligent relay 62 relays data from base station 61 to UE element 63. Accordingly, intelligent relay 62 does not operate independently of base station 61 nor does it do so if it does not detect an incoming pilot signal from base station 61 within a certain time period. Hence, Periyalwar does not teach nor suggest the claimed feature "a processor configured to ... operate independently of the first remote terminal if such first

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incoming pilot signal is not detected by the receiver within the time period" (emphasis added) as set forth in lines 4-7 of the claim.

As the examiner acknowledges in the Office Action, Periyalwar does not teach a receiver configured to listen for a period of time for a first incoming pilot signal from a first remote terminal that exceeds a threshold power level as claimed in claim 1. The examiner then relies upon Feder to cure this deficiency of Periyalwar. While Feder may disclose the use of a "threshold," it does not teach nor suggest the claimed "threshold power level" in relation to an incoming pilot signal as explicitly required by the claim. Instead, Feder teaches that the threshold is compared to the number of ACKs lost/number of ACKs expected (see paragraph no. 14, last 6 lines) which is not the same as listening for an incoming pilot signal that exceeds a threshold power level as explicitly required by the claim.

Therefore, for the foregoing reasons, applicant respectfully requests that the examiner withdraw the 35 USC 103 rejection of claim 1 and likewise claims 15, 23, and 27 since these independent claims recite similar allowable subject matter.

With respect to independent claims 31 and 32, it is respectfully submitted that neither Periyalwar nor Feder, alone or in combination, teaches certain claimed features as claimed. In particular, with respect to independent claim 31 and similarly with respect to claim 32, it is respectfully submitted that neither reference teaches or suggests the claimed feature "determining that such incoming pilot signal has been acquired within the time period; ...

enabling a pilot signal transmission for the purpose of operating independently of the first remote terminal" as claimed.

Periyalwar teaches, for example, in Fig. 6 an intelligent relay 62 which acquires the pilot signal transmitted by base station 61. However, it does not teach nor suggest the intelligent relay

62 determining that the pilot signal has been acquired within a certain time period as explicitly required by the claims. Periyalwar is simply silent with regard to acquiring a pilot signal within a certain time period – it merely teaches acquiring the pilot signal and nothing more.

In addition, Periyalwar's intelligent relay 62 does not enable a pilot signal transmission for the purpose of operating independently of the base station 61 for the reasons given above, re claim 1.

As the examiner acknowledges in the Office Action, Periyalwar does not teach the claimed feature of "registering ..." as claimed in claims 31 and 32. The examiner then relies upon Feder to cure this deficiency of Periyalwar. However, it is respectfully submitted that Feder does not teach "registering a plurality of second remote terminals that acquire the transmitted pilot signal, the second remote terminals being previously registered with the first remote terminal prior to the exchange of signaling messages" (emphasis added) as claimed in claim 31 and similarly claimed in claim 32.

In contrast, Feder teaches, e.g., in paragraph no. 20, lines 1-22, using a N stage ACK register for implementing a sliding window which cannot be reasonably equated with the claimed feature of "registering ..." as explicitly required by claims 31 and 32. See for example, paragraph no. 25 of applicant's specification which discloses instances of the use of the term "register" and its variations.

Therefore, for the foregoing reasons, applicant respectfully requests that the examiner withdraw the 35 USC 103 rejections of claims 31 and 32. The dependent claims are deemed allowable at least for the reasons given above with respect to their respective independent claims.

# CONCLUSION

In light of the amendments contained herein, Applicants submit that the application is in condition for allowance, for which early action is requested.

Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Respectfully submitted,

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